

REMARKS

Claims 1, 2 and 9 were rejected under §102 as being anticipated by Paul et al. Claim 1 has been amended to recite that there are three layers of silver, two layers of indium tin oxide, and wherein two silver layers are alternately formed to be in contact with two ITO layers, and the other silver layers as formed to be in contact with the substrate. Claim 1 has further been amended to recite that one of the dielectric layers is a top layer from the substrate, and wherein each dielectric oxide layer is made up of material selected from the group as recited in the claim. Paul et al. fails to teach or disclose the three layers of silver, one of which is formed to be in contact with the substrate. Although example 3 (Figure 4) of Paul discloses an ITO-Ag-ITO-Ag structure, both the first layer and top layer are all ITO layers. Therefore, Paul et al. clearly fails to disclose the invention now claimed in independent Claim 1.

Claims 3, and 5-8 were rejected under §103 as being obvious over Paul et al. Claim 3 has been cancelled. Claims 6-8 have been cancelled. Claim 5 depends from Claim 1. Therefore, for the same reasons set forth above with respect to Claim 1, Claim 5 should also be found allowable over the Paul et al. reference.

Applicant also believes the Examiner has construed the teachings of the reference to Paul et al. too broadly with respect to the specific layers of the structure as claimed, as well as the claimed thicknesses and refractive indexes. The Paul et al. reference is silent regarding the claimed thicknesses and refractive indexes. Although it may be known in the art that optical properties change with a change of thickness or refractive indexes, this knowledge does not lead to a universal determination of desired or optimized optical properties in which both the thickness and refractive indexes are selected. The optimized layers as claimed, combined with the particular thicknesses and refractive indexes, are not features that can be simply concluded from the teaching of the Paul et al. reference. Under the Examiner's rationale, every conceivable combination of layers, thicknesses and refractive indexes would therefore be obvious based upon the teachings of the reference. Therefore, Applicant specifically traverses the Examiner's conclusion that each layer can be optimized to include any value in terms of thickness and refractive indexes.

Claims 10-13 were rejected under §103 as being obvious over Paul et al in view of Nishihara et al. Independent Claims 10 and 12 have been amended similarly as Claim 1. Therefore, for the same reasons as set forth above with respect to Claim 1, independent Claims 10 and 12 clearly distinguish over Paul et al. The Nishihara et al. reference fails to cure the deficiencies in Paul et al. Therefore, even it were obvious to combine Paul et al. with Nishihara et al., the primary reference remains defective. Therefore, this rejection under §103 should be withdrawn.

Claim 4 was rejected under §103 as being obvious over Paul et al in view of Phillips et al. Claim 4 depends from Claim 1. Phillips fails to cure the deficiencies in Paul et al. Therefore, this rejection under §103 should be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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